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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,054	02/18/2002	Stephen T. Staphanos	R22.12-0028	5125

7590 01/20/2004

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EXAMINER

FRANK, RODNEY T

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,054

Applicant(s)

STAPHANOS ET AL.

Examiner

Rodney T. Frank

Art Unit

2856

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- ~~Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).~~
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (U.S. Patent Number 6,362,540). Hill discloses an expandable hybrid electric generator (20) includes a number of power blocks (22) that may be nearly identical to one another. The power blocks (22) are controlled by a master controller (34), and an external supervisor (30) performs some master controller (34) functions should the master controller (34) fault. The power blocks (22) each include a battery bank (42) and an inverter/charger (44), both of which couple to a DC bus (40).

The inverter (44) and an AC generator (50) couple to an AC bus (24). The DC busses (40) of the power blocks (22) remain independent of one another, but all power blocks (22) couple together at the AC bus (24). The master controller (34) issues instructions to the inverters (44) that maintain approximately equal states at the independent DC busses (40) of the power blocks (22) (Please see the abstract).

2. In regard to claim 14, Hill discloses and shows in figure 1 an electricity generation system comprising a first generator (22, power block 1) a first controller (30) coupled to the first generator, a second generator (22, power block 2) a second controller coupled to the second generator and a remote control and monitoring means coupled to both controllers to monitor and control the generators.

In regard to claims 15 and 21, though the specific type of generator is not disclosed any of the generators in the claim are well established in the art and would have been obvious to one of ordinary skill at the time of the invention.

In regard to claim 16, though an embedded PC is not specifically disclosed, this would be an obvious design choice to one of ordinary skill in the art.

In regard to claim 17, it is disclosed that the controllers provide monitoring for the system.

In regard to claim 18, column 1 lines 10-17 mention the phase of the power grid and it is obvious for the phase of the phases of the generator and the grid would have to be compatible.

In regard to claim 19, all of the communications mediums in the claim are well established in the networking art and would therefore be obvious at the time of the invention.

In regard to claim 20, though an Application Service Provider (ASP) is not specifically disclosed, this would be an obvious design choice to one of ordinary skill in the networking art.

In regard to claims 22-27, the controller is capable of storing various data points of interest and providing signals accordingly as disclosed in column 4 lines 1-4.

In regard to claims 28 and 29, it is disclosed that whatever is monitored can be reported.

In regard to claims 30 and 31, though these specific limitations are not disclosed, they are viewed as mere design choices to the system that could be easily implemented if desired and therefore would be obvious to one of ordinary skill in the art.

Response to Arguments

3. Applicant's arguments with respect to claims 14-31 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (703) 306-5717. The examiner can normally be reached on M-F 9am -5:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (703) 305-4705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RTF

January 8, 2004



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800